

1 MORRIS PETERSON
2 Steve Morris, Bar No. 1543
3 Email: sm@morrislawgroup.com
4 Rex D. Garner, Bar No. 9401
5 Email: rdg@morrislawgroup.com
6 900 Bank of America Plaza
7 300 South Fourth Street
8 Las Vegas, Nevada 89101
9 Telephone: (702) 474-9400
10 Facsimile: (702) 474-9422

11 Attorneys for Plaintiff
12 Platinum Partners Value Arbitrage Fund LP

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11 PLATINUM PARTNERS VALUE) CASE NO: 2:09-cv-02459-PMP-PAL
12 ARBITRAGE FUND LP,)
13 v. Plaintiff,) DISCOVERY PLAN AND
14) SCHEDULING ORDER
15 GAYLA SUE LEVIN,)
16 Defendant.) (SPECIAL SCHEDULING REVIEW
17) REQUESTED)
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Pursuant to Federal Rule of Civil Procedure 26(f), plaintiff and defendant, through their respective counsel, submit the following proposed Discovery Plan and Scheduling Order with their respective positions and request special scheduling review.

1. **Meeting.** Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(d), a meeting was held on April 8, 2010 and was attended by Rex Garner for plaintiff and John Gutke for defendant.

2. **Initial Disclosures.** The parties will exchange by April 22, 2010 the information required by Fed. R. Civ. P. 26(a)(1).

7 Plaintiff will soon move to strike/dismiss several of Defendant's
8 affirmative defenses. The deadline for doing so is April 14, 2010 according to the
9 stipulation and order dated March 26, 2010 [Doc. 11]. Defendant will agree to a
10 discovery period of less than 180 days if the Court's ruling on Plaintiff's motion
11 limits the scope of discoverable issues significantly, but in any event Defendant
12 requests a discovery period of at least 120 days.

21 Defendant maintains that the ordinary 180-day discovery period is
22 appropriate, but if Plaintiff's motion to strike/dismiss affirmative defenses is
23 granted and the scope of discoverable issues is limited by order of the Court,
24 Defendant would be amenable to a discovery period of no less than 120 days.

c. Expert Witness Disclosures. Plaintiff believes no expert testimony will necessary or appropriate. Defendant believes that initial expert disclosures should be 60 days before the discovery cut-off date and rebuttal expert disclosures 30 before the discovery cut-off date.

d. Dispositive Motions. Dispositive motions shall be filed not later than 30 days after the discovery cut-off date.

e. Pretrial Order. The Joint Pretrial Order shall be filed not later than 30 days after the date set for filing dispositive motions. In the event that dispositive motions are filed, however, the date for filing the Joint Pretrial Order shall be suspended until 30 days after a decision on the dispositive motions or further order of the Court.

f. Rule 26(a)(3) Disclosures. The disclosures required by Rule 26(a)(3) and any objection thereto shall be included in the Pre-trial order.

4. Other Items.

a. Interim Status Report. The parties shall file the interim status report required by LR 26-3 by June 1, 2010. The undersigned counsel certify that they have read LR 26-3 and that this date is no later than 60 days before the discovery cut-off date to be determined as in Section 3(a) above.

b. Court Conference. The parties do not request a conference with the Court before entry of the scheduling order, but believe it would be expedient to wait until the Court rules on Plaintiff's motion to strike/dismiss Defendant's affirmative defenses prior to entering any discovery scheduling order, as the outcome of that motion will affect the scope and length of discovery.

c. Later Appearing Parties. A copy of this discovery plan and scheduling order shall be served on additional defendants, if any, within five business days of their first appearance. If a later appearing party is represented by one of the undersigned counsel, that counsel shall be solely responsible for

1 providing the party with a copy of this discovery plan and scheduling order. This
2 discovery plan and scheduling order shall apply to such later-appearing
3 part[y][ies], unless the Court, on motion and for good cause shown, orders
4 otherwise.

APPROVED AS TO FORM AND CONTENT

12 /s/Rex D. Garner /s/John Gutke
13 Attorney for Plaintiff Attorney for Defendant
Date: April 14, 2010 Date: April 14, 2010

ORDER

IT IS SO ORDERED.

UNITED STATES [DISTRICT] [MAGISTRATE] JUDGE

DATED: